

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

TAVARCHIE L. RANKIN

PLAINTIFF

VS.

CIVIL ACTION NO. 4:05CV94LN

**SHIRLEY ENTERKINS and
DORIS MCDONALD**

DEFENDANTS

ORDER

This cause came before the court on several Motions filed by the Plaintiff. In considering those Motions, the court has reviewed the Plaintiff's Complaint and his related pleadings. The Complaint does not contain a clear, concise statement of the Plaintiff's case; instead, he refers the court to several attached documents. From his subsequent pleadings, it appears that his claims are primarily related to his classification at the East Mississippi Correctional Facility, about which he claims that there have been numerous procedural violations. After analyzing his claims in light of the Supreme Court's holding that an inmate has no due process right to any particular classification, it is not likely that he will prevail on these claims. *Sandin v. Conner*, 515 U.S. 472 (1995). However, it also appears that Rankin is alleging that he has lost several days of good time, which were taken from him in retaliation for his bringing this or an earlier lawsuit, which may be a viable claim.

IT IS, THEREFORE, ORDERED, as follows:

1. The Plaintiff's Motion to Amend is hereby **granted**.
2. The Plaintiff's Motion for Immunity Damages is hereby **denied**. Immunity is a form of a *defense* to a lawsuit; there is no such thing as "immunity damages."
3. Motion for Evidentiary Hearing is hereby **granted** to the extent that the court will, as it does in every prisoner's case brought pursuant to 42 U.S.C. § 1983, hold an omnibus hearing at which the Plaintiff may appear and testify. That hearing will be held on the earliest available date.

4. The Plaintiff's Motion for Summary Judgment will be considered after the omnibus hearing.

IT IS SO ORDERED, this the 2nd day of October, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE